



has been the subject of numerous variance petitions and is the subject of this request by International Harvester. International Harvester as well as many other manufacturers and users, was able to file a compliance program and obtain an operating permit because they proposed switching to the use of non-photochemically solvents and thus meeting the substituting standard of 8 lbs. per hour of "photochemically reactive" organic material by December 31, 1973.

International Harvester by its own admission emits 172.7 lbs. per hour of photochemically reactive organic material which is approximately 21.5 times the allowable rate of 8 lbs. per hour under Rule 205(f) of the Air Regulations. International Harvester alleges that because of numerous reasons such as the difficulty of testing and approving newly formulated paints, rejecting of newly formulated paints for failure to meet production requirements, objectional odors to plant workers, delay in delivery of newly formulated paints from paint manufacturers, an 18-day strike in October, 1973, and the shortage of solvents within the petrochemical industry, that they were not able to meet the December 31, 1973 deadline. International Harvester alleges that by February 11, 1974 they had switched to the use of 100% non-photochemically solvents and 80.4% non-photochemically reactive paint. International Harvester further alleges that by May 1, 1974 it shall have in use 83.5% non-photochemically paints. International Harvester seeks a variance until December 31, 1974 to permit it to implement its project completion schedule for conversion to exempt materials and to search for other sources of supply to enable it to achieve 100% compliance with Rule 205(f) of the Air Regulations.

The Board agrees with the Agency in that it is reasonable to require petitioners to investigate feasible control alternatives, notwithstanding the language of Pollution Control Board Regulation, Chapter 1 Part 4, Rule 401(a). The Board specifically rejects International Harvester's contention that it would "be unreasonable to require petitioner to explore the Rule 205(f) alternatives within the confines of the variance petition since the Agency has approved a compliance program based on exempt solvents" (International Harvester's response to Agency's Motion to Dismiss filed February 26, 1974). Agency approval of compliance programs which anticipated compliance with Rule 205(f) by utilizing non-photochemically solvents does not grant petitioners an un-ending variance for so long as the shortage of non-photochemically reactive solvents exists in the petrochemical industry. Petitioners should present evidence that they will be able to obtain non-photochemically reactive solvents in the near future. If they cannot demonstrate this, then Petitioners should explore the two alternatives under Rule 205(f) of the Air Regulations discussed above. While the effective date for switching to non-photochemically reactive solvents was December 31, 1973, the effective date for switching to

water based paint according to Rule 205(f)(2)(D) is May 30, 1975. Therefore an acceptable compliance plan and project completion schedule for conversion to water based paint would not offend Board Regulations.

The Board finds that International Harvester has proceeded in good faith to achieve compliance with Rule 205(f) and that a short-term variance from this Rule would not, in this circumstance, cause significant public injury because International Harvester is in substantial compliance. However, International Harvester should submit the following information if they petition for an extension of this variance:

- 1) Environmental impact of their emissions, including the amount and type of emissions.
- 2) Impact of the mandatory allocation order on their ability or inability to obtain non-photochemically reactive solvents (Fed. Reg., 1/15/74, Vol. 39, No. 10, Part III, Part 211J).
3. Projected compliance date or date of availability of non-photochemically reactive solvents.
4. Information on applicability of reducing the total organic emission by 85% (Rule 205(f)(1-5)).
5. Information on the potential shifting to non-organic solvents, i.e., water, to reduce the total volume of organic materials used (Rule 205(f)(2)(D)).

This Opinion constitutes the Board's findings of fact and conclusions of law.

#### ORDER


International Harvester is hereby granted a variance from Rule 205(f) of the Air Regulations for the period of time from January 1, 1974 until December 31, 1974 subject to the following conditions:

1. International Harvester shall continue research and testing to formulate acceptable paint mixtures. Results of such research shall be forwarded to the Division of Air Pollution Control, Illinois Environmental Protection Agency, 200 West Washington Street, Springfield, Illinois 62706.
2. International Harvester shall convert to the use of non-photochemically reactive solvents, should such solvents become available during the term of the variance.

3. As much non-reactive solvents as are available shall be used in preference to reactive solvents.
4. A new compliance plan shall be filed with the Agency prior to September 21, 1974

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 21<sup>st</sup> day of March, 1974 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board